



Code Words

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Douglas M. Duncan, County Executive

Charles W. Thompson, Jr., County Attorney

OFFICE OF THE COUNTY ATTORNEY

The Office of the County Attorney is the legal arm of the Montgomery County government. The County Attorney's staff exclusively advises and represents County agencies, including the Council. The Office of the County Attorney also serves the citizens of Montgomery County directly. Although staff cannot offer legal advice to individuals, we can offer guidance on the application of Montgomery County law, including code enforcement matters, and can help to direct those with questions to appropriate agencies. We can be reached at (240) 777-6700.

CODE ENFORCEMENT UNIT

The Code Enforcement Unit, as part of the Office of the County Attorney, serves to help enforce County laws. The Unit's mission is to serve the community by helping to fairly and reasonably enforce our County Code and to help solve the problems leading to citations. We seek to be available to the community both to provide information, as in this newsletter, and to address questions and concerns from citizens. We are available to speak to community groups or agencies about our work. Please contact Frank Johnson, Principal Counsel for the Code Enforcement Unit, at (240) 777-6754 or johnsf@co.mo.md.us, if you have questions or are interested in scheduling a speaker or meeting.

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Commercial Vehicle Parking – A Zone Issue

By Susan Scala-Demby

Department of Permitting Services

The Montgomery County Zoning Ordinance regulates commercial vehicle parking on residential property in connection with uses permitted in the zone. The Department of Permitting Services enforces commercial vehicle parking provisions on residential property. The Police Department, under a different provision of the County Code, regulates commercial vehicles parked on streets.

In the Zoning Ordinance, a commercial vehicle is defined as a licensed and registered vehicle used to transport passengers or property for a business. The Zoning Ordinance provides certain vehicle characteristics to help determine if a vehicle can be considered commercial. These characteristics include the weight and type of Motor Vehicle Administration (MVA) registration. Recreational vehicles, farm machinery, and farm vehicles used for agricultural purposes are not commercial vehicles. However, the following vehicles are always considered commercial vehicles (as classified by the Maryland MVA):

- A "for hire" vehicle
- A funeral motor vehicle or ambulance
- A freight trailer or semi-trailer

The number and type of vehicles that can be parked on a property is determined by the property zoning classification. In zones comprised of less than one acre lots, only one vehicle can be parked on the


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property and that vehicle must be:

- (1) 10,000 pounds or less gross vehicle weight,
- (2) 19 feet or less in length, measured from the extremes of the vehicle or load, or
- (3) 8 feet or less in height, including racks needed for materials.

In one and two acre lot zones and in rural zones, up to three vehicles can be parked on the property with no size or weight restrictions. Small tow trucks may be allowed, but cannot have a car in tow. One recreational vehicle can be parked on lots in the smaller zones and two can be parked in one acre and larger zones. A small van used in a business can be parked on a residential property, but a tractor-trailer cannot.

If the commercial vehicle is parked on the residential street, the Zoning Ordinance does not apply. The Police Department enforces regulations regarding on-street parking.

If you have questions about this subject, please contact the Department of Permitting Services at (240) 777-6240. 

Animal Cruelty or Neglect

By D. Clement

Animal Services Division

Recently, Montgomery County's Animal Services Division (ASD) received several reports of stolen dogs immediately after receiving complaints against the Division for failing to remove dogs from conditions allegedly constituting cruelty to the dogs. The Division takes this opportunity to define animal cruelty and the circumstances under which animals can be taken into protective custody by the ASD.

In Maryland, pet owners facing felony cruelty charges have purposefully harmed an animal -- typically, mutilating an animal, securing an animal to a moving vehicle, or driving an animal to work in conditions that endanger the animal's health. Maryland specifically lists dog fighting as a felony.

Most of the ASD's investigations involve cases of neglect, rather than cruelty. A pet owner or caretaker who fails to provide proper shelter, food and water, or


veterinary care for an animal violates the Montgomery County Code. ASD officers may remove an animal from private property if the animal is in need of veterinary care or is in imminent physical danger, including removing animals from cars with the windows rolled up and an extreme interior temperature. Some pet owners provide animals with substandard living conditions that, if continued, could negatively impact the animal's disposition and quality of life over time, but the conditions do not constitute an immediate health or safety risk. The law regards an animal as property and protects the property owner's rights through the usual due process, which can become a complicated matter.

Pet owners and caretakers should always be aware of weather conditions and the consequences of keeping a pet outdoors. Pets that are acclimated to the outdoors likely will not suffer from frostbite or heat exhaustion when provided with shelter and fresh water, but they will be exposed to insects and disease from other animals. Outdoor pets may escape and encounter traffic, dangerous animals, or become lost. ASD officers will remove an animal that is caught in a fence or chain or has visible wounds or signs of disease, transporting it to a veterinarian or the animal shelter for proper care.

An officer must advise the owner where to claim the animal and the owner must reimburse the County for the animal's care or relinquish the animal to the County. When a pet owner reclaims an animal, officers take the opportunity to educate the owner about proper pet care as well as vaccination and licensing laws.

If circumstances warrant, the ASD Director may require the pet owner to agree to certain conditions and inspections before reclaiming the animal. The Director may also refuse to return the animal to the owner. The owner can appeal this decision, after posting a bond for the animal's care, to a citizen review Board. The Board can reverse or uphold the Director's decision and may even place additional restrictions on the owner. In extreme cases, the Board may restrict the owner from keeping any animals within the County.

If an owner elects to give up the animal, or the animal is not returned to the owner, the Montgomery County Humane Society will evaluate the animal and, in most cases, place the animal for adoption.

The Division's 7 officers offer 24-hour coverage, 7 days per week, for dangerous or neglected animal reports. If you have questions or concerns about an animal's care, contact the ASD at (301) 279-1861. 

IMPORTANT PHONE NOS.

Animal Services	(301) 279 – 1823
Abandoned Cars	(301) 840 – 2454
Building Permits	(240) 777 – 6210
Building Code Inspections	(240) 777 – 6210
Consumer Affairs	(240) 777 – 3636
County Information	(240) 777 – 1000
County Attorney's Office	(240) 777 – 6700
Electrical Licenses & Permits	(240) 777 – 6210
Environmental Protection	(240) 777 – 7770
Fire-Code Violations	(240) 777 – 2457
Housing & Code Enforcement	(240) 777 – 3600
Untagged Cars	(240) 777 – 3785
Noise Control	(240) 777 – 7770
Recycling/Leaf Collection	(240) 777 – 6410
Snow Removal & Pot Holes	(240) 777 – ROAD
Solid Waste	(240) 777 – 6410
Street Lights	(240) 777 – 2190
Use & Occupancy Permits	(240) 777 – 6370
Vendor Information	(240) 777 – 6256
Water Quality Control	(240) 777 – 7770
Weed Control	(240) 777 – 3785
Zoning Information	(240) 777 – 6240
Zoning Complaints	(240) 777 – 6259

Office of the County Attorney – Code Words
101 Monroe Street, 3rd Floor
Rockville, MD 20850
(240) 777-6700

Code Words Editor
Janita R. Lillard, Paralegal

Principal Counsel
Franklin M. Johnson, Jr., Esquire

To be placed on our mailing list or to submit questions or comments, please contact us at the above address or codeword@co.mo.md.us. Please include your name, address, and phone number or e-mail address. *Code Words* is published quarterly. The next issue will be mailed in January 2002.

Housing and Yard Maintenance

To stabilize neighborhoods and preserve communities

By Linda Bird

Department of Housing and Community Affairs, Housing Code Enforcement Section

Housing and yard maintenance are vital factors in stabilizing neighborhoods and preserving the aging housing stock in Montgomery County. Neglected properties are a signal to the community that no one seems to care, which can lead to crime and deterioration of property values. Neighborhoods are improved when property owners maintain their properties.

Responsible property owners make periodic maintenance checks of their homes. Following are a few of the major items that you should look for to assure your property is in compliance with the Montgomery County Code:

- Roof is solid with no bad or missing shingles;
- No peeling paint is on the eaves, trim, or siding;
- Gutters and downspouts are in good condition;
- Weather stripping and caulking are in good shape;
- Window and door glass are in good condition;
- Cracks in foundation are patched;
- Driveways and sidewalks are in good repair;
- Grass and weeds are neatly trimmed and do not exceed 12 inches in height;
- Trash and debris have been removed from the property;
- No inoperative or unregistered vehicles are on the property;
- No indoor furniture is being stored or used outdoors;
- No appliances are being stored outdoors; and
- Bushes, hedges, and trees are maintained so they do not constitute a danger to the public

The Housing Code Enforcement Section of the Department of Housing and Community Affairs (DHCA), is responsible for enforcing the Montgomery County Code sections related to housing and building maintenance, solid waste, and weeds. These ordinances apply to all residential properties, rental or owner occupied, and to the exterior of all commercial properties in Montgomery County.

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When a property violation is reported, DHCA sends an inspector to the property. The inspector issues a notice of violation to the property owner listing all violations and the remedial action that must be taken to bring the property into compliance with all applicable codes, noting a date by which the owner must complete the repairs. If the owner fails to comply with the notice, the inspector will issue a civil citation, which carries a \$100 - \$500 fine or, in some cases, the inspector may issue a "Clean and Lien" order. A "Clean and Lien" order allows the County to enter a property to remove solid waste or cut overgrown grass and weeds, after giving a 10-day notice to the property owner. The owner is then presented with a bill for the costs. If the owner fails to pay the bill within the specified time, a lien is placed on the owner's property tax bill. The order has been a useful tool for cleaning up neglected properties.

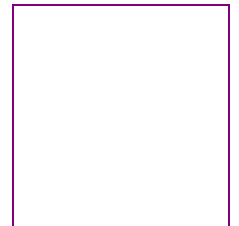
A civil citation usually is issued for any violation of the housing code. In addition to the fine, the inspector will request an abatement order from the Court. If a property owner fails to meet the conditions set in the

abatement order, the County will request a contempt of court order. This order also allows the Code Enforcement Section to enter the property, abate the violation, and collect the cost of making the repairs from the owner.

If you are experiencing a problem in your community that you believe may be a violation of the housing and yard maintenance codes, you may contact our office at (240) 777-3785. We request that you give your name and telephone number so that we can keep you apprised of our actions. We will not divulge your name as the complainant. You may also obtain more information regarding our office and programs by calling the same number. 📞



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ADDRESS CORRECTION REQUESTED